

Draft Compatibility Determination

Renewal of an Existing Pipeline Right-Of-Way On The McFaddin National Wildlife Refuge

The U.S. Fish and Wildlife Service manages the National Wildlife Refuge System. In accordance with the National Wildlife Refuge System Administration Act of 1966, as amended (16 U.S.C. 668dd-668ee), the Secretary may permit the use or grant easement in, over, across, upon, through, or under any areas within the System, whenever determined that such uses are compatible with the purposes for which these areas are established. The permitting requirements and conditions are set forth in 50 CFR Part 29. In addition to the general right-of-way regulations at 50 CFR Part 29, Title XI of the Alaska National Interests Lands Conservation Act, (16 U.S.C. 3161 et seq.), governs the process for granting rights-of-way for transportation and utility systems through National Wildlife Refuges in Alaska. 50 CFR 29.21-1(a), also states that no right-of-way will be approved unless it is determined to be compatible.

Refuge Name: McFaddin National Wildlife Refuge

Establishing and Acquisition Authorities:

The McFaddin National Wildlife Refuge was established in 1980, under the authority of the Migratory Bird Conservation Act. Its boundary was expanded in 1995, 1996 and 2005, also under the authority of the Migratory Bird Conservation Act.

Refuge Purpose(s):

National Wildlife Refuge System lands are acquired and refuges are established under a variety of legislative acts and administrative orders. The U.S. Fish and Wildlife Service defines the purposes of National Wildlife Refuges when a refuge is established, based upon the establishing authorities or legislation. The primary authority used in establishing the McFaddin National Wildlife Refuge was the Migratory Bird Conservation Act. National wildlife refuges established through this act were acquired:

“...for use as an inviolate sanctuary, or for any other management purpose for migratory birds.” 16 U.S.C. § 715d (Migratory Bird Conservation Act).

The Migratory Bird Conservation Act, passed in 1929, authorized the acquisition and management of refuges as “inviolate sanctuaries” for migratory birds. This Act originally required that all refuges be inviolate sanctuaries and deemed that refuges primary purposes were as breeding ground and habitat for migratory birds. The Migratory Bird Hunting and Conservation Stamp Act of 1934 (Duck Stamp Act) required that lands purchased with revenues from this Act be managed as “inviolate migratory bird sanctuaries” and prohibited migratory bird hunting. The 1949 Amendment to the Duck Stamp Act modified the “inviolate sanctuary” requirement and allowed public waterfowl hunting on up to 25% of the lands acquired with Migratory Bird Conservation Funds in a refuge. The portion of refuge lands acquired with Migratory Bird Conservation Funds which could be opened to hunting was increased to 40% by the

1958 Amendment to the Duck Stamp Act. Since the lands within the McFaddin National Wildlife Refuge were acquired with Migratory Bird Conservation Funds and in compliance with the statutory restrictions; approximately 40% of the McFaddin is open to waterfowl hunting.

National Wildlife Refuge System Mission:

The Mission of the National Wildlife Refuge System is to administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans.

Description of Use:

Papco, Inc. has requested renewal of an existing right-of-way for their 30 year permit issued March 31, 1981. The permit granted permission to enter and occupy lands within the Refuge to install, operate, and maintain a 3-inch buried natural gas transmission pipeline. The pipeline is needed to produce oil and gas from the Clam Lake oil field. The pipeline allows Papco, Inc. to buy gas for field use or sell gas if the need arises. This lease cannot operate in its present state without this gas line.

The approximate length of the pipeline is 6.06 miles; the right-of-way is limited to 50 feet in width, 25 feet on each side of the center line, totaling approximately 36 acres. The pipeline begins at a point in the Clam Lake Oil Field which is South 53° 09' 38" West 20,285.40 feet from the State of Texas "Sea Rim Park" monument No. 17; said point of beginning having Texas Lambert Plane Coordinates (South Central Zone) of X = 3,553,087.65 and Y = 710,378.30: Thence South 73° 35' West 617.6 feet ; thence North 81° 13' West 164.4 feet; thence South 83° 34' West 1,702.9 feet; thence South 83° 48' West 10,700.3 feet ; thence South 24° 33' West 5,029.5 feet; thence North 74° 26' West 3,319.3 feet; thence North 54° 15' West 1,724.8 feet; thence South 73° 57' 25" West 2,717.59 feet to a point on the East Line of the T.&N.O. R.R. Survey No. 263, Abstract 358, Jefferson Count, Texas having Texas Lambert Plane Coordinates (South Central Zone) of X = 3,525,676.19 and Y = 702,353.54; said point being South 2° 44' 00" East 1,191.53 feet from the State of Texas "McFaddin National Wildlife Refuge" monument No. 18. All bearings and distances for these 1,939.6 rods of pipeline ROW are on the Texas Lambert Plane Coordinate System, (South Central Zone).

The 6.06 mile Papco, Inc gas supply line from the Kinder-Morgan tie-in point to the Papco header is tested multiple times each year. Testing is not done on a scheduled basis, but rather at times when the field is down for maintenance of equipment within the field. The pipeline pressure at the PAPCO header downstream of the Kinder-Morgan meters is monitored multiple times daily. The pipeline was blocked in and successfully pressure tested on January 28, 2011 to existing pipeline pressure of 700 psi. The portion of the line running parallel to the road running along the Inter-Coastal Waterway from the Kinder-Morgan Tie-in to the point where the line turns into the marsh is visually inspected once a month on average. The section of the line running through the marsh is walked by a Papco employee when water levels allow, but this has not been done since mid-2008. A flyover is done after every major storm that affects the area. Last flyover

was after IKE in 2008. Corrosion inhibitor has been added to the gas by Kinder-Morgan over the years as protection for their pipeline carrying offshore gas to their onshore facilities. As a note, the existing 700 psi pressure on the pipeline will be reduced to 100 psi in March, 2011.

Availability of Resources:

No new construction or operational changes are proposed with the requested permit renewal. Current administrative costs incurred by the Refuge in permit administration and monitoring are minimal. Since there is no proposed change in operations that would significantly impact Refuge staff or resources, it is determined that adequate resources continue to exist to properly manage this Refuge use.

Anticipated Impacts of the Use:

Since the request for permit renewal includes no modifications over the existing operational conditions, there are no new or significant issues to analyze.

Congressional intent in applying compatibility reviews to existing rights-of-way (at the time of the National Wildlife Refuge System Administration Act 1997 amendments) dictates that no new interpretation of compatibility requirements established by the Act should be interpreted as finding existing long-term permitted uses of refuges not compatible –presuming no significant changes have occurred to when they were initially permitted (and determined to be compatible).

Regulations (50 CFR 25.21 (h)) prescribe that when evaluating compatibility in the re-authorization of these historic rights-of-way, that the analysis of impacts will be based on existing conditions with the use in place, not from a pre-use perspective. In other words, only modifications from the historic permitted use are to be analyzed for impacts.

Public Review and Comment:

Public involvement for this document includes: posting the draft on the McFaddin National Wildlife Refuge web site, <http://www.fws.gov/southwest/refuges/texas/mcfaddin/>; posting a notice of availability at the McFaddin National Wildlife Refuge office and the Refuge Complex Headquarters in Anahuac; for a 14-day public comment period.

Copies will be mailed or e-mailed upon request. Comments must be received within the 14-day comment period to receive consideration.

The period of public review and comment will commence on 22 February 2011, and end on 11 March 2011.

Please send comments to:
U.S. Fish and Wildlife Service
Texas Chenier Plains Complex
P.O. Box 278
Anahuac, Texas 77514

